

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23170 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

Dr. Ravindra Panth, son of late Narain Krishana Pant, Director, Nava Nalanda Mahavihara, resident of Mohalla- Mahavihara Campus, P.S. and District-Nalanda, Bihar

.... Petitioner/s

Versus

1. The State of Bihar &
2. Dr. Surendra Kumar, son of late Ragho Sharan Prasad, resident of village- Kapatia, P.S.-Nalanda, District- Nalanda.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, Advocate
Mr. Md.Khurshid Alam, Advocate
Mr. Arun Kumar Bhagat, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

1. The Petitioner seeks quashing of the order of cognizance dated 01.06.2009 passed in Complaint Case No.1449-C of 2007 by the Judicial Magistrate, 1st class, Nalanda.

2. The case of the Complainant is that even though the Petitioner was not qualified for the post in College, he got himself appointed on the basis of forged document and hence, should be prosecuted.

3. It has been submitted on behalf of the Petitioner that fact of the matter is that all the documents of the Petitioner are genuine on the basis of which he had been appointed and those documents have been tested by this Court in a separate writ and the

documents stood valid. In such circumstances, further proceeding of Complaint Case should be set aside.

4. On the other hand, counsel for the Complainant submits that since Criminal Court is in seisin of the allegations which are criminal in nature, this Court should not interfere in the matter.

5. Considering that in a parallel proceeding before this Court stand of the Petitioner stood validated, I would be inclined to hold that the present Complaint is meaningless.

6. Hence, the order of cognizance dated 01.06.2009 passed in Complaint Case No.1449-C of 2007 by the Judicial Magistrate, 1st class, Nalanda, is hereby set aside.

7. The application stands allowed.

(Anjana Prakash, J)

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